IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.364 OF 2004

Shri Janardan Shantaram Khedekar ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr.S.V.Gavand for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 8, 2004.

P.C.

1. Heard Counsel appearing for the parties.

2. Rule. Mr.Gadkari, A.P.P. waives notice for Respondent.

3. As short question is involved, Revision Application is taken up for final disposal forthwith by consent.

4. At the outset, it may be stated that the applicant is not questioning the correctness of the conviction recorded by the two Courts below. The present Revision is pressed only with reference to the quantum of sentence. The applicant has been convicted for offence punishable under Section 324 of the Indian Penal Code and sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.300/- (Rupees Three Hundred). In default, to suffer simple imprisonment for 15 days. Counsel for the applicant states that the applicant has already undergone 12 days of imprisonment as of today and that the applicant has already paid the amount of fine of Rs.300/- (Rupees Three Hundred) as directed by the Trial Court.

5. Counsel for the applicant states, on instructions, that the applicant is willing to offer sum of Rs.2,000/- (Rupees Two Thousand) as compensation to the complainant. Learned A.P.P. appearing for the State submits that the sentence imposed by the Court below is quite reasonable and no further indulgence be shown.

6. However, after considering the rival submissions and particularly, having regard to the background in which the offence occurred, coupled with the fact that the applicant has already undergone 12 days of imprisonment, and paid the amount of fine as well as shown willingness to compensate the complainant by paying sum of Rs.2,000/- (Rupees Two Thousand), to my mind, interest of justice will be met if the Revision is allowed by confirming the order of conviction, but at the same time, reducing the sentence imposed by the Courts below to the imprisonment already undergone. The order passed by the Court below requiring the applicant to pay fine is also maintained.

7. The sentence is reduced on condition that the applicant shall pay sum of Rs.2,000/- (Rupees Two Thousand) to the complainant before being released pursuant to this order. The amount be deposited in the Court of the Judicial Magistrate, First Class, Murud, Raigad, which shall be made over to the complainant on application made by the complainant in that behalf. The applicant shall

inform the complainant about his right to withdraw the said amount in terms of this order. Petition disposed of on the above terms.

8. Issuance of copy of writ is expedited.

A.M.KHANWILKAR, J.